

**REMARKS**

Claims 1 – 5, 7 – 14 and 21 – 25 remain in the application and stand rejected. Claims 8 and 21 are amended herein. Claims 6 and 15 – 20 are previously canceled. No new matter is added by this amendment.

Claim 21 is objected to for a double comma at line 5. Responsive thereto, claim 21 is amended herein to remove one instance of the commas. No new matter is added. Reconsideration and withdrawal of the objection to claim 21 is respectfully requested.

Claim 8 is rejected under 35 U.S.C. §112 for reciting “said conducting layer pad.” Responsive thereto, claim 8 is amended herein to replace “said conducting layer pad” with --said seed pad--. No new matter is added. Reconsideration and withdrawal of the rejection of claim 8 under 35 U.S.C. §112 is respectfully requested.

Claims 1 – 5, 7 and 21 – 25 are rejected under 35 U.S.C. §102(e) over published U.S. application No. 2005/0103636 to Cheng et al. Claims 1, 2, 5, 7, 21, 22 and 25 are rejected under 35 U.S.C. §102(e) over published U.S. application No. 2005/0062170 to Biggs et al. Claims 8 – 13 are rejected under 35 U.S.C. §103(a) over Cheng et al. in view of U.S. Patent No. 6,706,622 to McCormick et al. Claims 8 and 11 – 13 are rejected under 35 U.S.C. §103(a) over Biggs et al. in view of McCormick et al. Claim 14 is rejected under 35 U.S.C. §103(a) over Biggs et al. in view of McCormick et al. and in further view of U.S. Patent No. 6,798,050 to Homma et al. and published U.S. application No. 2003/0034489 to Bhattacharya et al. Claim 14 is finally rejected under 35 U.S.C. §103(a) over Biggs et al. in view of McCormick et al. in further view of Homma et al. and Bhattacharya et al.

Provided herewith is an affidavit, signed by all inventors showing conception and reduction to practice prior to both Cheng et al. and Biggs et al. In particular, the exhibit attached to the affidavit includes figures substantially the same as the figures in the present application as does the corresponding description. Therefore, having established an invention date prior to both Cheng et al. nor Biggs et al., neither is a reference under 35 U.S.C. §102(e). Since the rejection of all claims primarily relies on one or both of Cheng et al. and Biggs et al., neither of which is a reference under 35 U.S.C., claims 1 –

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5, 7 – 14 and 21 – 25 are patentable over all references of record. Reconsideration and withdrawal of the rejection of claims 1 – 5, 7 – 14 and 21 – 25 is respectfully requested.

The applicants thank the Examiner for efforts, both past and present, in examining the application. Believing the application to be in condition for allowance, both for the amendment to the claims and for the reasons set forth above, the applicants respectfully request that the Examiner reconsider and withdraw the rejection of claims 1 – 5, 7 – 14, and 21 – 25 under 35 U.S.C. §§102(e) and 103(a), and allow the application to issue.

As previously noted, the applicants believe that the matter presented in the written description of the present application is quite different than, and not suggested by, any reference of record. Accordingly, should the Examiner believe anything further may be required, the Examiner is requested to contact the undersigned attorney at the local telephone number listed below for a telephonic or personal interview to discuss any other changes.

Please charge any deficiencies in fees and credit any overpayment of fees to IBM Corporation Deposit Account No. 09-0458 and advise us accordingly.

Respectfully Submitted,

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(Date)

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